



**FARMERS
BRANCH**

ORDINANCE NO. 3143

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE FOR OUTDOOR DISPLAY OF MOTOR VEHICLES IN A LIGHT INDUSTRIAL (LI) ZONING DISTRICT IN A PORTION OF THE BUILDING LOCATED ON AN APPROXIMATELY 0.8947 ACRE TRACT OF LAND, DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, BEING KNOWN AS 3117 GARDEN BROOK DRIVE, FARMERS BRANCH, TEXAS; PROVIDING FOR APPROVAL OF A SITE PLAN; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit – Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment of up to \$8,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within five (5) years from the effective date of said permit and this Ordinance; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use for Outdoor Display of Motor Vehicles within a Light Industrial (LI) zoning district on an approximately 0.8947 acre tract of land described in Exhibit "A" attached hereto and incorporated herein for all purposes ("the Property").

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Light Industrial (LI) Zoning District as well as the following special conditions:

- A. The permitted outdoor display of motor vehicles shall be allowed only in the area shown on the Site Plan attached hereto as Exhibit "B" and incorporated herein by reference, which is hereby approved.
- B. The outdoor display shall be conducted only in association with the operation of a motor vehicle sales business occupying and using the portion of the building located on the Property identified as "3117 Garden Brook" on the Site Plan.
- C. Outdoor display shall be limited to no more than three (3) motor vehicles for sale. No outdoor storage of any materials, equipment, or other property is allowed
- D. This Specific Use Permit shall be limited to Shields Auto Group, LLC, a Texas limited liability company d/b/a Metrocrest Sales and shall automatically terminate in the event Metrocrest Sales fails to be open for business serving the public for a period of thirty (30) days except in the event of, and to the extent of, an event of force majeure or casualty.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

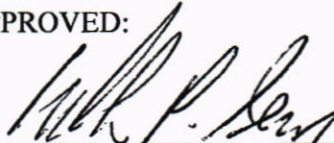
SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate five (5) years from the effective date of this Ordinance.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 7th DAY OF JUNE, 2011.**

APPROVED:



William P. Glancy, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

ATTEST:



Cindee Peters, City Secretary

EXHIBIT "A" to Ordinance No. 3143

Legal Description

Being a portion of Block 2 of Brookhaven Business Park, a addition to the City of Farmers Branch, Texas, according to the map thereof recorded in Volume 72004, Page 2388 of the Deed Records of Dallas County, Texas, being the same tract of land conveyed to William J. Martin and Jaquelin P. Martin by deed recorded in Volume 99118, Page 7386 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" cut found in concrete for corner in the North right of way line of Garden Brook Drive (60 foot R.O.W.), said point being the Southwest corner of a tract of land conveyed to Brookhaven-Dallas Associates by deed recorded in Volume 80046, Page 3809, of the Deed Records of Dallas County, Texas, same being the Southeast corner of herein described tract;

THENCE North 89 degrees 41minutes 00 seconds West, along the North right of way of said Garden Brook Drive, a distance of 194.97 feet to an "X" found in concrete for corner, said point being the Southeast corner of a tract of land conveyed to David Kennington by deed recorded in Volume 77124, Page 2289 of the Deed Records of Dallas County, Texas, same being the Southwest corner of herein described tract;

THENCE North 00 degrees 19 minutes 13 seconds East, along the East line of said Kennington tract, a distance of 199.83 feet to a 1/2 inch iron pipe found for corner in the South line of a tract of land conveyed to Hicks & Ablon, Ltd. by deed recorded in Volume 2003152, Page 11891 of the Deed Records of Dallas County, Texas, said point being the Northeast corner of said Kennington tract, same being the Northwest corner of herein described tract;

THENCE South 89 degrees 43 minutes 43 seconds East, along the South line of Hicks & Ablon, Ltd. tract, a distance of 194.97 feet to a 1/2 inch iron rod set for corner with a yellow plastic cap stamped (DC&A INC), said point being in the South line of a tract conveyed to Rolland-Keller Corporation by deed recorded in Volume 91078, Page 185 of the Deed Records of Dallas County, Texas, same being the Northwest corner of said Brookhaven-Dallas Associates tract and the Northeast corner of herein described tract;

THENCE South 00 degrees 19 minutes 14 second West, along the West line of said Rolland-Keller Corporation tract a distance of 199.98 feet to the POINT OF BEGINNING and containing 38,975.19 square feet or 0.8947 acres of land.

EXHIBIT "B" to Ordinance No. 3143
Site Plan

